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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO COURTHOUSE

DEMETRIC DI-AZ, OWEN DIAZ and
LAMAR PATTERSON,

Plaintiffs,

vs.

TESLA, INC. DBA TESLA MOTORS, INC.;
CITISTAFF SOLUTIONS, INC.; WEST
VALLEY STAFFING GROUP;
CHARTWELL STAFFING SERVICES,
INC.; NEXTSOURCE, INC.,

Defendants.

Case No. 3:17-cv-06748-WHO
*[Removed from Alameda Superior Court,
Case No. RG17878854]*

**[PROPOSED] ORDER GRANTING
DEFENDANT NEXTSOURCE, INC.'S
MOTION FOR SUMMARY
ADJUDICATION OF ISSUES**

Date: December 18, 2019
Time: 2:00 p.m.
Courtroom: 2
Judge: Hon. William H. Orrick

Amended Complaint Filed: December 26, 2018

1 Defendant nextSource, Inc.'s ("Defendant") Motion for Summary Judgment, or in the
 2 alternative, Summary Adjudication, with respect to the First Amended Complaint for Damages
 3 filed by Plaintiffs Demetric Di-az, Owen Diaz, and Lamar Patterson came regularly for hearing
 4 before this Court on December 18, 2019, and all parties appeared by and through their respective
 5 counsel of record.

6 After carefully considering the parties' papers, their supporting declarations and exhibits,
 7 the record herein, arguments of counsel and all other matters presented to the Court,

8 **IT IS HEREBY ORDERED** that Defendant nextSource, Inc.'s Motion for Summary
 9 Adjudication is **GRANTED** for the following issues:

10 1. nextSource did not control the terms and conditions of Plaintiff Owen Diaz's
 11 employment at the Tesla Factory and therefore cannot be considered his joint employer;

12 2. No genuine issue of material fact exists regarding Plaintiff Owen Diaz's claim for
 13 Race Discrimination in Violation of 42 U.S.C. § 1981;

14 3. No genuine issue of material fact exists regarding Plaintiff Owen Diaz's claim for
 15 Race Harassment in violation of 42 U.S.C. § 1981;

16 4. No genuine issue of material fact exists regarding Plaintiff Owen Diaz's claims
 17 for Failure to Prevent Harassment and Discrimination in Violation of 42 U.S.C. § 1981;

18 5. No genuine issue of material fact exists regarding Plaintiff Owen Diaz's claim for
 19 Retaliation in violation of 42 U.S.C. § 1981 and California Labor Code § 1102.5;

20 6. No genuine issue of material fact exists regarding Plaintiff Owen Diaz's claims
 21 for violation of the Bane Act (Cal. Civ. Code § 51.7);

22 7. No genuine issue of material fact exists regarding Plaintiff Owen Diaz's claim for
 23 violation of Ralph Civil Rights Act (Cal. Civ. Code § 51.1(a) and (b));

24 8. No genuine issue of material fact exists regarding Plaintiff Owen Diaz's claim for
 25 Negligent Infliction of Emotional Distress;

26 9. No genuine issue of material fact exists regarding Plaintiff Owen Diaz's claim for
 27 Intentional Infliction of Emotional Distress;

28 10. No genuine issue of material facts exists regarding Plaintiff Owen Diaz's claim

1 for Negligent Hiring, Retention, and Supervision;

2 11. No genuine issue of material fact exists regarding Plaintiff Owen Diaz's claim for
3 Constructive Discharge in Violation of Public Policy.

4 12. No genuine issue of material fact exists regarding Plaintiff Owen Diaz's claim for
5 punitive damages.

6 **IT IS SO ORDERED**

7
8
9 Dated: _____, 2019

JUDGE WILLIAM H. ORRICK
UNITED STATES DISTRICT JUDGE